IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.4450 OF 1996

Anglo-French Drugs & Industries Ltd. ...Plaintiffs
V/s.
Eisen Pharmaceutical Co.(Pvt.) Ltd. ...Defendants

Mr.H.W. Kane for Plaintiffs.
None for defendants.

CORAM : A.S. AGUIAR, J.
DATED : SEPTEMBER 7, 2004.

P.C. :-

1. Mr.Kane, Advocate for plaintiffs files plaintiffs' affidavit of evidence alongwith with documents relied upon in support of the plaintiffs' case. Same are taken on record.

2. The matter has been placed on the list of Undefended Suits by the Prothonotary's Order dated 8th August, 2003 as no written statement is filed. Plaintiffs have also filed affidavit proving service of writ of summons upon the defendants. Suit is for injunction and for restraining defendants from using plaintiffs' trade mark "BEPLEX" AND "BEPLEX-ZEE".

3. This Court at the time of hearing the Notice of

Motion by order dated 19th December, 1996 granted ad-interim injunction in terms of prayer clause (a). The said ad-interim order was made absolute by the Court by order dated 3rd September, 1997. Plaintiffs have failed to file their written statement. Hence, the averments and contentions contained in the plaint have to be taken as admitted. Accordingly, the suit is decreed under Order VIII Rule 10 in terms of prayer clauses (a), (b), (c) and (d). No order as to costs.

. Suit to stand disposed of.

. Certified copy expedited.

(A.S. AGUIAR, J.)